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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/335,078	06/17/1999	SHIVALING S. MAHANT-SHETTI	TI-26617	6066

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER

EMDADI, KAMRAN

ART UNIT	PAPER NUMBER
	2664

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/335,078	MAHANT-SHETTI ET AL
	Examiner	Art Unit
	Kamran Emdadi	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 April 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 14 and 15 is/are allowed.

6) Claim(s) 1-9, 12 and 16-20 is/are rejected.

7) Claim(s) 10, 11, 13 and 21 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see paper no. 7, filed 4/11/03, with respect to the priority date of the reference have been fully considered and are persuasive. The Harms et al. (US Patent No. 6493376) reference has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
4. Claims 1- 4, 9, 12, 16, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilhousen et al. (US Patent No. 5715236).

- Regarding claims 1- 4, 9, 16, 17 and 20, Gilhousen teaches: a CDMA receiver 36 (Figure 2), a PN code generator used for the CDMA signal encoding, (Col 9, lines (fig.3) 50-60), where accumulators 132 and 134, further process the CDMA coded signal (figure 3) a correlator 130 used alongside the accumulator device for matching

analog to digital representations (Figure 3), multiple digital states are shown to include two logical states for a +1 and a 0, and a physical state or “state” of -V (Col 8, lines 53-58).

- Regarding claim 12, Gilhousen teaches: AGC 514 (Figure 10). *Col 18, L 5-26* *Col 28, L 51-59*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5-8, 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhousen et al. (US Patent No. 5715236) in view of Hendrickson et al. (US Patent No. 5974584).

- Regarding claims 5-8, 18 and 19, Gilhousen teaches: all of the above embodiments except a zeroing or blanking process of muting a signal based on the signals relative strength or accuracy, Hendrickson teaches: a mobile phone system (Figure 1) with a data muting system 600 with a bit clock used for received signals for blanking signals that have data integrity issues (Col 7, lines 25-34). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the process of blanking erroneous data with a chip clock as a means to avoid errors as detected by the receiving portion of a mobile telephony system.

Allowable Subject Matter

7. Claims 14 and 15 are allowed for the reasons outlined by the examiner in the previous office action.
8. Claim 10, 11, 13 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter:
 - Regarding claims 10 and 11, the subtractive device that subtracts from an analog output following the multiply/accumulate step for a CDMA code is novel in its context over the prior art made to record.
 - Regarding claims 13 and 21 the gain control mechanism is taught by Gilhousen, however, the gain control device that includes a multiplexer and a storage unit is novel over the prior art made to record.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Gilhousen et al. (US Patent No. 5103459) Generating signal waveforms in a CDMA system.
 - Dent (US Patent No. 5305349) CDMA system with a rake receiver.
 - Gilhousen et al. (US Patent No. 5416797) Generating signal waveforms in a CDMA system.

- Fukasawa et al. (US Patent No. 5533012) CDMA system with bi-directional channels.
- Ostman (US Patent No. 5566201) AGC for a CDMA system.
- Skinner et al. (US Patent No. 5577025) Signal acquisition using Walsh channels.
- Zehavi (US Patent No. 5757767) Transmission of signal in a spread spectrum system.
- Jones et al. (US Patent No. 6108317) Cyclic code phase multiple access for satellite.
- Lomp et al. (US Patent No. 6272168) CDMA modem system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kamran Emdadi

06/05/2003

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